

**TOWN OF GRANBY
INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
June 11, 2014**

PRESENT Chairman David Tolli, Aurelle Locke, Wayne Cahoon, Craig Perry, Deborah Sheahan and David Askew.

Chairman David Tolli called the meeting to order and confirmed a quorum at 7:03 p.m.

MINUTES

ON A MOTION by David Tolli, seconded by Wayne Cahoon, the commission approves (6-0-0) the minutes of the April 9, 2014 meeting with the following corrections.

Under item 2a. Holcomb Farm, 115 Simsbury Road – bridge repair

This work is only a temporary disturbance, fallen trees will be pulled out of the stream as anticipated the work will take between five to seven days and be conducted during the stream's low flow. Use the existing natural materials such as the large stones with angular rip rap as a base, will be used to stabilize the bank and the east pier.

NOTICE OF VIOLATION

2. 218 West Granby Road – Zhovkliy

Following up with the discussion item on April 9, 2014 agenda. Mr. Askew issued Mr. & Mrs. Zhovkliy a violation notice. The size of the wetland is approximately 1/3 of an acre. Mr. Askew invited Mr. & Mrs. Zhovkliy to this meeting to discuss. Mr. Askew presented aerial images from 2010 and 2012 of said property. Though a cease order had been put in place in 2010 the images show clearly trees have been removed from designated wetland area since that time. Due to such a substantial violation, Mr. Askew recommends a soil scientist and a surveyor assess the wetland area of said property for a twofold purpose: to determine the wetlands current condition and to make recommendations for restoration.

At 7:14 p.m. Mr. & Mrs. Zhovkliy entered the building and joined the meeting. Mr. Askew explained the violation, in particular; that the rain gardens have not been installed; and in its place a disturbance has been created on the wetlands where trees have been cleared; some level of grading has been done and grass seed has been purposely planted and allowed to germinate to lawn. Mrs. Zhovkliy explained the property was overwrought with old tires, bottles and junk before her husband cleaned it up. Though Mrs. Zhovkliy knew about the rain garden she thought it was a recommendation and not mandatory under the permit she and her husband secured. Mrs. Zhovkliy stated they did cut trees and planted grass in wetland area about 2 years ago and that they cut shrubs and did not add soil. Mrs. Zhovkliy stated she spoke with Charles Katan about the wetland area, that she described her intention to lay lawn and add a chicken coop. Mrs. Zhovkliy said that Mr. Katan said her plans would be permissible. Mr. Katan is a gentleman whom Mrs. Zhovkliy presumed had authority to make such statements and decisions about her property. She reasoned that since Mr. Katan had "permitted" her plan that she and her husband could proceed with their plans. Craig Perry stated that it was a challenge for the inland and wetlands commission to make a decision not knowing the full extent of the work the Zhovkliy's have done. Mr. Askew instructed Mr. & Mrs. Zhovkliy to go back to their original engineer. Aurelle Locke stressed that a designated wetland area has a very specific job. Mrs. Zhovkliy made the conscientious decision not to prepare a rain garden because she did not want to attract snakes and mosquitoes.

PERMIT APPLICATIONS

3a. 218 West Granby Road – clear brush to add lawn, Zhovkliy

Regarding the same property as noted on above and continuing the conversation, due to the fact that the Zhovkliy application was incomplete Aurelle Locke encouraged the Zhovkliy's to resubmit their application. Craig Perry stated that due to the violation notice and the application not being complete that the commission will extend the notice and that the Zhovkliy's should come back with an application that is complete. Mr. Askew stated they need to wait 14 days after the date of receipt and that he did not know if they could deny without prejudice. That since the commission has a notice of violation the clock is going and they could go to the next meeting or as far as August 2014. Mr. Askew stressed for Mrs. Zhovkliy to contact the original engineer (Tom) and get a response as to what was originally done and that said engineer could speak with Mr. Askew directly. Mrs. Zhovkliy stated she did not mean to ignore the rain garden plans, that she didn't realize its importance and that she will follow what needs to be done. David Tolli said this issue to be continued at the next meeting.

REQUESTS FOR REVIEW

4a. 42 Lakeside Drive. – general clean-up and add soil over septic repair area, Sonderegger

Susan Hackett, property owner of 42 Lakeside Drive, introduced herself at the mic. There are two separate applications for this property. Firstly, the application dated June 2, 2014. Mr. Askew visited the property and spoke with "Billy" (Billy being the contractor performing the landscape changes to this property) onsite regarding this application. Mrs. Hackett explained that there were problems with the lakefront before they got the property. She explained that there had been weather related damage and that Billy smoothed out areas, filling depressions with stone. She said she replaced the septic system. After that the lawn was reseeded but no top soil had been placed. Two inches of topsoil are needed to grow grass. Mr. Askew indicated that all work should have been done by hand. Mrs. Hackett stated that although she was at work most of the time the work was being done at her property, when she did come home she noticed that Billy was working by hand.

ON A MOTION by Craig Perry, seconded by Aurelle Locke, the commission grants the application dated June 2, 2014 be given to the wetland agent for review and approval. (6-0-0).

A second application, dated June 9th, 2014 regarding this property was also discussed. Mr. Askew was not aware of this application. The application requested permission for 6" of wash-sand. Mr. Askew and Mr. Tolli concurred that a permit should be requested. Mr. Askew stressed in particular that this property owner is not permitted to make a beach. He stressed that beaches are problematic. He stressed that this matter would require a full review. Mrs. Hackett explained that she wants a surface she can walk on safely. Mr. Tolli commented that the wetlands commission will review what she submits at the next meeting.

4b. 37 Barkhamsted Road. – rebuild house and foundation, Fox

Mr. Martin presented photographs. This entire property is wetland. The back of the property is a very steep hill and the other side of the road is a flood plain. The conversation was of the structure on this wetland property and Mr. Askew advised Mr.

Martin that he needed an engineer for the foundation work. Mr. Perry stated that disturbing the wetland will need a permit and a plan. Mr. Tolli asked Mr. Martin if he had talked to the Building Dept to which Mr. Martin replied yes. Ms. Sheahan asked if the structure was seasonal to which Mr. Martin replied no. Mr. Martin stated that there is a previous foundation, though no one knows the condition that he is allowed to build on the footprint of this foundation. Mr. Martin said he is having all the work done by hand. Mr. Cahoon commented that no bulldozer, tractor or machinery is allowed, that if Mr. Martin proceeds the way he states Mr. Martin will not need a permit, however, if equipment is brought in than Mr. Martin will get a cease order. Aurelle Locke summed it up by stating that digging by hand is permissible but down the road if equipment is brought in Mr. Martin would have to come back for a permit. Mr. Cahoon asked of Mr. Askew if there was any leeway with the removing of current foundation blocks. Mr. Askew replied 2 feet or so to take the soil out for foundation removal is reasonable within a couple of feet of perforated pipe and that he would not make Mr. Martin come in for a permit for that. Mr. Martin stated he is currently repairing the existing drain. Mr. Askew stated as long as Mr. Martin is not disturbing the area and is staying in the footprint and drain the wetland commission has no action on this. He stated he has faith in the Building Dept's assessment for Mr. Martin to proceed.

2R West Lake View Drive –stabilize house

Doug Max stepped up to the mic to explain the previous actions done to stabilize the house. Mr. Max did the stabilization work himself. Property was mulched. Mr. Max submitted an application in June 2012 for a dock. He presented a images to the commission of work done. Mr. Askew said that all of Mr. Max's work was within the bounds of request for review. That the only thing he considered a violation is the clearing of vegetation on the shoreline. Mr. Askew told Mr. Max to restore the vegetation on the shoreline with shrubs such as blueberries, winterberries etc. and that the deadline for completion of this work is September 1, 2014.

ON A MOTION by Craig Perry, seconded by Wayne Cahoon, the commission grants the wetland agent review and approval with a deadline of September 1, 2014. (6-0-0).

WETLAND BOUNDARY CHANGE

5a. 29 Copper Hill Road - Colabella

Representing this property a gentleman named Jim stepped to the mic. Each commission member reviewed a map available to them. The structure on this property is condemned and to be demolished. This property is 5.23 acres. Aurelle Locke stated that the dotted line on the map was the wetland area. Mr. Askew commented that he has seen this property and that the wetland area is marginal; and that it could be debated as to whether or not it is truly wetlands; and that this area is a small corner of the property. Aurelle Locke moved to accept the wetland boundary as designated on the map.

ON A MOTION by Craig Perry, seconded by Deb Sheahan, the commission accepts the wetland boundary as designated on the map provided on May 23, 2014 (6-0-0).

ANY OTHER PROPER BUSINESS

Mr. Tolli stated that he will be away for the next meeting and that the Inland and Wetlands Commission should consider nominating a Vice Chair. This item should be put on the next agenda. Wayne Cahoon will sit in for Chairman David Tolli at the next meeting.

At this time, Wetland Commission member Deborah Sheahan excused herself from her seat to sit in audience. Deborah Sheahan's husband stepped to the mic.

285 Mountain Road -- Brent Sheahan, introduced himself and passed out a map to commission members.

Notice of intent to harvest timber at Moosehorn Brook in 2 – 3 weeks; harvesting will take about 6 weeks; use existing 12' wide crossing, there are no wetlands on either approach. Looking at the map, Mr. Askew noted that contours are tight and there is a narrowing crossing, while Mr. Perry stated the harvest is getting a bit close to the brook on the left side. Mr. Sheahan commented that where Moosehorn Brook shows a steep slope on a bank he is not going there. Mr. Perry asked if Mr. Askew deemed it necessary to conduct a walk-thru beforehand. It was noted that the Inland and Wetlands Commission does not have jurisdiction on timber harvest, that infact, it is the Dept. of Agriculture & Forestry which has permitted Mr. Sheahan to harvest as a right with limitations.

ON A MOTION Aurelle Locke, seconded by Craig Perry, move to accept application by Mr. Sheahan. (5-0)

At this time, Inland and Wetlands Commission member Deborah Sheahan returned to her seat at the panel.

The next monthly meeting is July 9, 2014 at 7:00 p.m. in the Town Hall meeting room.

Chairman, David Tolli adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Patricia Tappenden

On behalf of Sandra Yost, Recording Secretary